

MEETING MINUTES

Governor's Task Force on Juvenile Corrections Reform

Thursday, May 6, 2004

Arizona State Capitol, Executive Tower

10:00am-12:00pm, 2nd Floor Conference Room

I. Welcome and Introductions:

Chairman Ronan opened the meeting with introductions.

II. Purpose and Goals of the Task Force

Chairman Ronan reminded Task Force members that for the second time in the past twenty years, the United States Department of Justice has investigated Arizona's juvenile corrections system and found that existing conditions violated the constitutional rights of committed youth. The current investigation was to some extent prompted by the suicides of three youth who had been committed to the Arizona Department of Juvenile Corrections (ADJC). Chairman Ronan advised the Task Force that he committed one of those juveniles to the Department of Juvenile Corrections.

Judge Ronan stated that Governor Napolitano asked the Task Force to meet two primary goals. The first is oversight of the agreement with the Department of Justice, CRIPA (Civil Rights of Institutionalized Persons Act) Division. The second goal is to advise the Department of Juvenile Corrections on broader juvenile justice issues, such as conditions and services within the state institutions, (i.e. physical plant, mental health, education), and youth re-entry into the community after they are released from the secure facilities.

Chairman Ronan stated that once the Task Force has completed the first two goals, the Task Force can accomplish a third goal: to make sure that the State is never in this position again...that we never have a situation where we have someone come in and say to us "our children that we have committed to you are not safe, and they are not well."

Alan Stephens advised that Governor Napolitano was not able to attend the meeting, but wants to be part of the next meeting to discuss the CRIPA findings. He reported that Governor

Napolitano was very disturbed by report. The Governor wants interaction/assistance from the community to help renew confidence in the Department. Along with new leadership, the Governor is committed to providing fiscal assistance to the Department. As such, the State Senate approved an increase of \$3.8 million to help resolve some of the issues that were brought out in the CRIPA report. The Governor viewed that as the beginning, not the end. Mr. Stephens also advised that there has been dialogue with the Department of Justice, as well as the Legislature and others.

Director Branham thanked all in attendance for participating in the meeting. He requested that if anyone has any questions about the Department that are not addressed at the Task Force meetings to please contact Patti Cordova or feel free to contact him directly. Director Branham is quite pleased with the response from the Task Force membership and everyone's willingness to help the Department become a better agency. Director Branham credited Lou Goodman, Departmental staff and the Governor's staff, under Alan Stephens' leadership, for the productive discussions with the federal government.

III. CRIPA Overview

Patti Cordova and Lou Goodman presented an overview of ADJC, the mission and vision, and the primary divisions and functions of the Department. A brief history of the CRIPA process was also provided. The chronology of events that led to the Department of Justice investigation, the scope of the investigation, and subsequent remedies that were instituted prior to the receipt of the federal findings letter were areas discussed. Reformed areas and processes of the Agency, such as Investigations and Inspections, as well as grievances, were explained in depth.

Concerns and/or Questions:

- Margaret Trujillo believed that the assessment instruments used by ADJC are culturally and gender irrelevant. She would like to have at some point some discussion on how that is going to change. Patti advised that we have been addressing this problem. . Patti also advised that ADJC is currently modifying the Reception, Assessment and Classification

(RAC) process.

- Nelba Chavez voiced her concerns about many of the minority children not receiving appropriate mental health and/or substance abuse care while in juvenile institutions. She also asked if there is any family involvement while children are institutionalized. Ms. Cordova spoke about efforts through our Cultural Diversity Division. She also explained the family involvement in the treatment plan for the youth. Lou Goodman explained the two different assessments conducted on the youth.
- Nelba Chavez voiced her concerns about the treatment available for youth that are released into the community. Lou Goodman talked about the classification system and how it works. Patti Cordova explained that Deputy Director Gadow is assessing at the institutions, and requested that the Task Force give the Department at least 90 days to respond to inquiries on family involvement and treatment available for youth. Dianne Gadow explained the new level system that staff have been working on. This level system connects behavior and programming, and helps the youth understand or know when they have had a successful week or if they are going in the right direction.
- Derrick Johnson inquired about safety at the facilities. Director Branham gave a brief overview on the cultural change status, which will take a couple of years to complete. Everyone's primary responsibility is safety, security, treatment and education for every juvenile committed to the Department.
- Margaret Trujillo questioned the status of children that were victims of assaults, particularly sexual victimization. Director Branham stated that the Department has not identified the victims in every case (CRIPA Report) due to the allegations in some cases not being specific enough identify every single victim. Of the cases where the victims have been identified, the Department has been offering treatment services.

- Nelba Chavez questioned Director Branham on how the Department determines when a child should be placed in special education. Director Branham explained that the Department uses a matrix to identify special education students which has been developed through the Department of Education and others.

Director Branham stated that because the Department is doing a better job using these instruments the Department has identified a higher percentage of kids with special education needs and therefore the costs resources increases.

- Nelba Chavez asked if these instruments (education) were language and culturally appropriate. Director Branham stated that they are language appropriate, but there could be more work done culturally.
- Eric Benjamin inquired to the psychiatric treatment for youth. Lou Goodman gave a brief overview of the treatment available, and advised that approximately 30% of juveniles are currently taking psychotropic medications. Most of these youth come to the Department with a psychotropic prescription. Dr. Benjamin suggested that our goal should be 90-100 percent of youth getting psychiatric care because all the studies indicate that the need is great for the committed youth population.
- Judge Willardene Lewis wanted answers to the following questions: The ages of the juveniles at the time of the suicides; the length of their stay at the time of the suicide; the average stay for all residents of the facilities, the age range of all residents at the facilities; the number of juveniles who are wards of the court (the percentage and the age range); the involvement of the Juvenile Court at the time or in the final release plan.

Director Branham advised that we would not have all the answers today, but we will furnish the committee with a follow-up report.

Some Responses Were Provided:

Lou Goodman advised that under Arizona law, anyone from the ages 8-17 can be committed to the Department. The Department rarely receives eight-year-olds; they do have some nine-year-olds. Typically, our facilities will have an eleven or twelve year-old. The younger juveniles are usually housed together with the older youth. The average length of stay was seven to eight months. Director Branham then explained the length of stay procedure. Lou Goodman advised that traditionally, there is no court involvement in the final release plan. The Department has recently been working with the Juvenile Court Judges to provide initial treatment plans for the youth. Lou Goodman and Director Branham will get further information and submit the report to the Task Force.

Chairman Ronan advised that Governor Napolitano wants the Task Force to explore re-entry into the community, and see if the courts should be involved in the re-entry.

Director Branham advised that the facilities are now open to the officers of the court who have a need to see the youth before they are released to the community. The officers can come to the facilities and visit with youth at any time. Director Branham requested that visitors please report back to him on what they observe.

- Helene Abrams inquired as to what she should tell her clients and their families about what to expect when the juvenile gets to the facilities. Director Branham requested that the families and juveniles be told that the Department is working fast and hard to make it as safe as possible. Also, when there are problems, the Department will not hide behind them. If there is an issue, the Department wants to know about it. After this issue is addressed, Director Branham will send a response to the person reporting the issue.

- Judge Veliz asked if anything is being done to address the issue of age between the youngest youth at the facilities sharing housing units with the older youth. Director Branham advised that no special arrangements have been made for this, but the Department will look into that matter.
- Beth Rosenberg stated that we should look into who are the kids at juvenile corrections, and do all those kids need to be there. There are a lot of community-based alternatives and we probably need more. It currently costs \$69,000 a year to house a youth at ADJC. If this money was given to a community-based facility and we used Title XIX money, we could probably have better services in the community and to address some of the issues.
- Tim Hardy asked if anything has been done at Eagle Point School on the issue of vents being used for possible anchor points on suicide attempts. Director Branham stated that this has been addressed with renovations. The Department has also changed its staffing patterns by adding staff to make sure there are more people observing the kids all the time. The night observation time has been doubled. “We are continuing to work toward every improvement we can make at each physical facility, but it’s the staffing piece that is going to make the difference.” Lou Goodman explained about the new “safe rooms” that are being constructed at Eagle Point School.
- Leslie Schwalbe asked if the Department’s suicide policies were available to families or the public on our website. Patti Cordova advised that the Department does have a public website and there are items available for parents to view. The suicide prevention policies are not available for viewing at this time.

IV. Future Meetings and Misc.

Chairman Ronan talked about future meetings. Specifically, how often and where do we want to meet? David McKell suggested that the Task Force hold off on community forums for the first couple of sessions until we find out the results of the federal negotiation.

It was suggested that Task Force meet once a month or every other month to get started.

The next meeting is scheduled for June 29, 2004 at 10:00 a.m., in the Capitol.

Patti Cordova will send an e-mail out with possible target dates for Task Force members to tour ADJC secure facilities.

A subcommittee was formed to review the Department's policies. The members are Leslie Schwalbe, Sherri Walton, Helene Abrams and David McKell.

Judge Veliz inquired as to consultants being involved with this report. Alan Stephens advised that there are consultants involved with this review, who specialize in specific areas.

Representative Hershberger remarked on two issues: one, matters that are in the control of the Department and out of the control of the Department, such as the past practice of youth committed to the Department for an undetermined amount of time, not to exceed their eighteenth birthday. Now, youth are committed for a fixed period of time. How does that impact what the Department can do? And two, Representative Hershberger would like the Task Force to look at what kind of evaluation and measurement the Department utilizes that measures not just process but the outcome/impacts on the youth.

Chairman Ronan stated that youth are still committed for an undetermined amount of time. The commit order reads that the youth are committed until their eighteenth birthday. The judges have set a minimum period of time the child has to stay there until they are eligible to be released. When that type of order is imposed, the Department of Juvenile Corrections cannot release them earlier than that minimum. They can keep them longer than that minimum date. Mr. Hardy voiced his concern that he does not want the past practice of releasing youth fairly soon after commitment.

Director Branham responded by explaining the RAC process takes approximately 21 days to complete. He would like to use the RAC process to help determine how long a youth would stay.

Suggested Future Agenda Items:

1. The Johnson v. Upchurch.
2. What happens when a youth enters a secure facility? What assessment tools are used? And, how is treatment determined?
3. How can the Task Force be helpful?
4. Goals and Objectives for the Task Force.

V. Public Comment

A public member requested information on the consultants used by ADJC. Director Branham advised the individual to contact Ms. Cordova for this information.

The meeting was then adjourned by Chairman Ronan.

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